IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6612 of 1999

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JAYESH @ DEVANG @ BILLU JAYAPRAKASH GUPTA

Versus

COMMISSIONER OF POLICE AHMEDABAD

Appearance:

MR NB TIWARI for Petitioner

MRS SIDDHI TALATI AGP for Respondent No. 1, 2, 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 18/02/2000

ORAL JUDGEMENT

Heard the learned advocates.

2. The petitioner challenges the order of preventive detention dated 17th June, 1999 made by the Commissioner of Police, Ahmedabad City, in exercise of the powers conferred upon him under Section 3 (1) of the Gujarat

Prevention of Anti-Social Activities Act, 1985 [hereinafter referred to as, `the Act'].

3. The grounds of detention, served alongwith the order of detention, suggest that two offences punishable under Chapter-XVI of the Indian Penal Code have been registered against the petitioner. Besides, two persons have made statements with regard to the incidents of 25th April, 1999 and 15th May, 1999. In both the said incidents, petitioner is allaeged to have terrorised the people in general thereby disturbing the even tempo of life and creating fear and making the people apprehensive of their person and the life, causing breach of `public order'. The petitioner is, therefore, held to be a `dangerous person' within the meaning of Section 2 (c) of the Act and his activities are found to be prejudicial to the maintenance of `public order'. Therefore, the preventive detention.

4. It appears that the above referred offences have been registered against five persons, including the petitioner herein. All the five had been ordered to be detained under the Act. The three of the accused persons namely; Kanubhai @ Bababhai Bhimabhai Desai, Harish Mohandas Ahuja and Kumar Mohandas Ahuja had preferred Special Civil Applications Nos. 5362 of 1999, 7078 of 1999 and 7080 of 1999 respectively challenging the orders of detention made against them. The said three petitions have been allowed by this Court [Coram : Mr. Justice B.C Patel] by the judgments and orders dated 11th February, 2000 and all of the said petitioners have been ordered to be released forthwith. In view of the said orders made in respect of the co-accused/co-detenus, it is but fair that petitioner should also be released from the detention.

5. Accordingly, petition is allowed. The impugned order of detention dated 17th June, 1999 is quashed and set-aside. The petitioner, unless is required to be detained in some other case, is ordered to be released forthwith. Rule is made absolute. There shall be no order as to costs.

****

Prakash*